

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 36

UNITED STATES PATENT AND TRADEMARK OFFICE

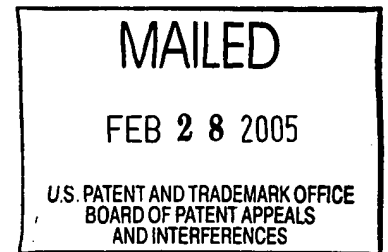
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YOUNG SANG BAEK, YU SOONG KIM, SEONG JIN KIM
and KYONG SEOK KIM

Appeal No. 2005-0313
Application 09/137,842

ON BRIEF

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Before KRASS, BLANKENSHIP, and MACDONALD **Administrative Patent Judges.**

MACDONALD, **Administrative Patent Judge.**

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 7, 11, and 13-19. Claims 1-6, 9-10, and 12 have been canceled. Claim 8 is still pending but is not on appeal.

Invention

Appellants' invention relates to a display apparatus for a notebook computer that according to one aspect of the present invention, includes: a display panel for displaying a picture information processed by the main printed circuit board of the computer body and having a pixel matrix; drivers being mounted on the display panel and for driving the row and column lines of the pixel matrix; panel driving unit on the main printed circuit board for controlling the drivers in accordance with a picture data from the main printed circuit board; and a flexible printed circuit film for connecting the drivers with the panel driving unit.

A display apparatus for a notebook computer, according to another aspect of the present invention, includes; a panel module including a display panel and a back light unit for irradiating to the display panel, said display panel displaying a picture information processed by the main printed circuit board and having a pixel matrix; drivers being mounted on the display panel and for driving the row and column lines of the pixel matrix; a module control board for driving the drivers and the back light unit responding to signal from the main printed circuit board; a

first connecting device connecting the drivers and back light unit with the module control board; and a second connecting device connecting the main printed circuit board with the module control board.

A display apparatus for a notebook computer according to further aspect of the present invention includes: a panel module including a display panel and a back light unit for irradiating to the display panel, said display panel displaying a picture information processed by the main printed circuit board and having a pixel matrix; drivers being mounted on the display panel and for driving the row and column lines of the pixel matrix; a module control board being mounted on the main printed circuit board for driving the drivers and the back light unit responding to signal from the main printed circuit board; and a connecting circuit connecting the drivers and back light unit with the module control board. Appellants' specification at page 8, line 16, through page 9, line 24.

Claim 7 is representative of the claimed invention and is reproduced as follows:

7. A display apparatus for a notebook computer having a system body with a main printed circuit board, comprising:

a panel module including a display panel and a back light unit for irradiating to the display panel, said display panel having a pixel matrix that displays a picture information

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processed by the main printed circuit board, said panel module further including drivers mounted on the display panel that drive the pixel matrix;

a module control board having a timing control unit for driving the drivers and a back light unit driver for driving the back light unit of the panel module;

a first connecting device that connects the timing control unit and back light unit driver of the module control board with the driver and the back light unit of the panel module, wherein said first connecting device includes a flexible printed circuit film; and

a second connecting device that connects the main printed circuit board with the module control board to provide signals from the main printed circuit board to the module control board.

References

The references relied on by the Examiner are as follows:

Moriconi	5,546,098	Aug. 13, 1996
Godfrey et al (Godfrey)	5,736,973	Apr. 7, 1998

Rejections At Issue

Claim 7 stands rejected under 35 U.S.C. § 103 as being obvious over the combination of Appellants' admitted prior art (AAPA) at figures 1-6 and pages 1-7 of the specification and Godfrey.

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Claims 11 and 13-19 stand rejected under 35 U.S.C. § 103 as being obvious over the combination of Appellants' admitted prior art (AAPA) at figures 1-6 and pages 1-7 of the specification and Moriconi.

Throughout our opinion, we make references to the Appellants' briefs, and to the Examiner's Answer for the respective details thereof.¹

OPINION

With full consideration being given to the subject matter on appeal, the Examiner's rejections and the arguments of the Appellants and the Examiner, for the reasons stated *infra*, we reverse the Examiner's rejection of claims 7, 11 and 13-19 under 35 U.S.C. § 103.

Only those arguments actually made by Appellants have been considered in this decision. Arguments that Appellants could have made but chose not to make in the brief have not been considered and are deemed to be waived by Appellants [see 37 CFR § 41.37(c)(1)(vii) effective September 13, 2004 replacing 37 CFR § 1.192(a)].

¹ Appellants filed an appeal brief on September 22, 2003 fully replacing the briefs filed on November 25, 2002, and March 10, 2003. Appellants filed a reply brief on April 16, 2004. The Examiner mailed an Examiner's Answer on February 18, 2004.

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Appellants have indicated that for purposes of this appeal the claims stand or fall together in two groupings:

Claim 7 as Group I; and

Claims 11 and 13-19 as Group II.

See page 4 of the brief. Furthermore, Appellants argue each group of claims separately and explain why the claims of each group are believed to be separately patentable. See pages 5-10 of the brief and pages 2-8 of the reply brief. Appellants have fully met the requirements of 37 CFR § 1.192 (c)(7) (July 1, 2002) as amended at 62 Fed. Reg. 53169 (October 10, 1997), which was controlling at the time of Appellants' filing of the brief. 37 CFR § 1.192 (c)(7) states:

Grouping of claims. For each ground of rejection which appellant contests and which applies to a group of two or more claims, the Board shall select a single claim from the group and shall decide the appeal as to the ground of rejection on the basis of that claim alone unless a statement is included that the claims of the group do not stand or fall together and, in the argument under paragraph (c)(8) of this section, appellant explains why the claims of the group are believed to be separately patentable. Merely pointing out differences in what the claims cover is not an argument as to why the claims are separately patentable.

We will, thereby, consider Appellants' claims as standing or falling together in the two groups noted above, and we will treat:

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Claim 7 as a representative claim of Group I; and

Claim 11 as a representative claim of Group II.

If the brief fails to meet either requirement, the Board is free to select a single claim from each group and to decide the appeal of that rejection based solely on the selected representative claim. **In re McDaniel**, 293 F.3d 1379, 1383, 63 USPQ2d 1462, 1465 (Fed. Cir. 2002). **See also In re Watts**, 354 F.3d 1362, 1368, 69 USPQ2d 1453, 1457 (Fed. Cir. 2004).

I. Whether the Rejection of Claim 7 Under 35 U.S.C. § 103 is proper?

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to one of ordinary skill in the art the invention as set forth in claim 7. Accordingly, we reverse.

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a **prima facie** case of obviousness. **In re Oetiker**, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). **See also In re Piasecki**, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary

skill in the art suggests the claimed subject matter. **In re Fine**, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellants. **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. **See also Piasecki**, 745 F.2d at 1472, 223 USPQ at 788.

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. "In reviewing the [E]xaminer's decision on appeal, the Board must necessarily weigh all of the evidence and argument." **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. "[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." **In re Lee**, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002).

With respect to independent claim 7, Appellants argue at pages 6-8 of the brief that the references fail to teach using a flexible printed circuit (FPC) film to connect a timing control circuit to a driver. We find this argument unpersuasive. As pointed out by the Examiner at page 6 of the answer, this FPC film limitation is clearly taught by AAPA at item 21 of Appellants' Figures 3A and 3B as discussed at page 4, lines 24-25 of Appellants' specification.

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Appellants also argue that the references do not teach a module control board having both a back light driver and a timing control unit for driving drivers. Appellants point out that Godfrey teaches an oscillator and this is not a timing control unit for driving drivers as recited in claim 7. We agree. The Examiner responds to Appellants argument by citing **In re Murray** to support the position that integration of known parts is obvious to one of ordinary skill. We find the Examiner's position untenable.

Use of per se rules, by Office personnel, is improper for determining whether claimed subject matter would have been obvious under 35 U.S.C. § 103. See, e.g., **In re Brouwer**, 77 F.3d 422, 425, 37 USPQ2d 1663, 1666 (Fed. Cir. 1996); **In re Ochiai**, 71 F.3d 1565, 1572, 37 USPQ2d 1127, 1133 (Fed. Cir. 1995); **In re Baird**, 16 F.3d 380, 382, 29 USPQ2d 1550, 1552 (Fed. Cir. 1994). Rather, 35 U.S.C. § 103 requires a highly fact-dependent analysis involving taking the claimed subject matter as a whole and comparing it to the prior art.

The Examiner has provided no evidence in support of the position that it would be obvious to integrate circuits onto a single board. Therefore, we will not sustain the Examiner's rejection under 35 U.S.C. § 103.

**II. Whether the Rejection of Claims 11 and 13-19 Under
35 U.S.C. § 103 is proper?**

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have not suggested to one of ordinary skill in the art the invention as set forth in claims 11 and 13-19. Accordingly, we reverse.

With respect to independent claim 11, Appellants argue at page 9 of the brief that the references fail to teach using a flexible printed circuit (FPC) film to connect a driving circuit to drivers. We find this argument unpersuasive. As pointed out by the Examiner at page 7 of the answer, this FPC film limitation is clearly taught by AAPA at item 21 of Appellants' Figures 3A and 3B as discussed at page 4, lines 24-25 of Appellants' specification.

Appellants also argue at page 7 of the reply brief that the references do not teach a module control board having both a back light driver and a timing control unit. We agree. The Examiner's responds to Appellants argument by citing **In re Japikee** 181 F.2d 1019, 1023, 86 USPQ 70, 73 (CCPA 1950) to support the position that relocation of known parts is obvious to one of ordinary skill. We find the Examiner's use of a per se rule untenable as discussed above.

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We note that claim 11 does not specifically recite a back light driver or a timing control unit. However, claim 11 recites a driving circuit on a module control board and collectively the circuit and board perform the functions of a back light driver or a timing control unit. Therefore, we have interpreted claim 11 as including a module control board having both a back light driver and a timing control unit as argued by Appellants.

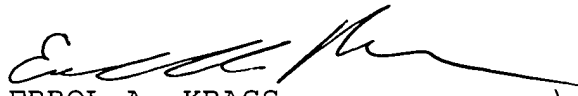
Therefore, we will not sustain the Examiner's rejection under 35 U.S.C. § 103.


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Conclusion

In view of the foregoing discussion, we have not sustained the rejection under 35 U.S.C. § 103 of claim 7, 11 and 13-19.

REVERSED


ERROL A. KRASS)
Administrative Patent Judge)


HOWARD B. BLANKENSHIP)
Administrative Patent Judge)


ALLEN R. MACDONALD)
Administrative Patent Judge)

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